

PROB 12C
(7/93)

Report Date: September 22, 2010

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

SEP 22 2010

Eastern District of Washington

JAMES R. LARSEN, CLERK
YAKIMA, WASHINGTON DEPUTY

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Rogelio Borrego

Case Number: 2:08CR02069-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, U.S. District Judge

Date of Original Sentence: 5/6/2009

Original Offense: Possession of a Firearm by a Prohibited Person, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 13 Months; TSR - 36 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Thomas J. Hanlon

Date Supervision Commenced: 3/12/2010

Defense Attorney: Kraig Gardner

Date Supervision Expires: 3/11/2013

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

1

Mandatory Condition #2: The defendant shall not commit another Federal, state, or local crime.**Supporting Evidence:** On July 18, 2010, Rogelio Borrego was arrested for driving under the influence (Sunnyside Municipal Court case number 68348), and possession of a controlled substance - methamphetamine (Yakima County Superior Court case number 10-1-01540-5).

According to a narrative report from the defendant's Washington State Department of Corrections community corrections officer (CCO), on July 18, 2010, Mr. Borrego was stopped by local law enforcement officers for driving under the influence. During their investigation, the defendant's CCO arrived at the scene and conducted a search of his vehicle, with the assistance of local authorities. During the search, the CCO observed a red plastic baggie, which contained a white powdery substance in between the cup holders and center console of the vehicle. The CCO then removed the cup holder and found two additional baggies, which also contained a white powdery substance. The CCO also recovered a glass pipe with white residue from the defendant's back pocket and observed a full case of beer in the back seat of the vehicle. A search of the defendant's residence was then conducted with the consent of the defendant's wife. During the search, a digital scale

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with a white powdery residue was located in the defendant's bedroom. All items were turned over to local authorities for prosecution and a petition was filed by the CCO for probation violations.

On August 2, 2010, a Washington State Department of Corrections hearing was conducted and the defendant was found to be in violation of his conditions of supervision by driving under the influence; possession of a controlled substance; possession of drug paraphernalia; and using methamphetamine. Mr. Borrego was sentenced to 107 days jail and continued on supervision.

In regards to the pending driving under the influence matter, a warrant was issued for the defendant's arrest on August 31, 2010, for failing to appear.

In regards to the pending possession of a controlled substance charge, Mr. Borrego made an initial appearance in court on September 20, 2010, and bail was set at \$5,000. A review hearing is scheduled for October 20, 2010, and trial is set for November 1, 2010.

- 2 **Mandatory Condition #4:** The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

Supporting Evidence: Rogelio Borrego used methamphetamine on July 18, 2010.

On July 19, 2010, the defendant provided his CCO with a urine sample, which tested positive for methamphetamine. Test results were confirmed by Sterling Laboratories.

On July 30, 2010, the undersigned officer met with the defendant at the Yakima County Jail at his request. During the visit, the defendant admitted to consuming alcohol and using methamphetamine from July 16 through July 18, 2010.

- 3 **Special Condition #17:** The defendant shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Rogelio Borrego consumed alcohol on July 18, 2010, as noted in alleged violation number 1.

On July 30, 2010, the undersigned officer met with the defendant at the Yakima County Jail at his request. During the visit, the defendant admitted to consuming alcohol and using methamphetamine from July 16 through July 18, 2010.

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The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 22, 2010

s/Jose Vargas

Jose Vargas
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other



Signature of Judicial Officer

September 22, 2010

Date